

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JESSE D. WALLIN, SR.,

Plaintiff,

v.

STEVE GROOM, et al.,

Defendants.

NO: 13-CV-0074-TOR

ORDER OF DISMISSAL WITHOUT
PREJUDICE

On June 27, 2013, Plaintiff was ordered to file, within 60 days, an Amended Complaint or voluntarily dismiss the Complaint. Plaintiff is proceeding *pro se* and *in forma pauperis*.

Plaintiff was cautioned that his failure to amend or voluntarily dismiss within 60 days would result in the dismissal of this case. Although granted the opportunity to do so, Plaintiff has now failed to amend or voluntarily dismiss this action.

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1 Pursuant to 28 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken *in forma*
2 *pauperis* if the trial court certifies in writing that it is not taken in good faith.” The
3 good faith standard is an objective one, and good faith is demonstrated when an
4 individual “seeks appellate review of any issue not frivolous.” *See Coppedge v.*
5 *United States*, 369 U.S. 438, 445 (1962). For purposes of 28 U.S.C. § 1915, an
6 appeal is frivolous if it lacks any arguable basis in law or fact. *Neitzke v. Williams*,
7 490 U.S. 319, 325 (1989).

8 The Court finds that any appeal of this Order would not be taken in good
9 faith and would lack any arguable basis in law or fact. Accordingly, the Court
10 hereby revokes Plaintiff’s *in forma pauperis* status.


11 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 12 1. Plaintiff’s Complaint is **DISMISSED without prejudice** for failure to
13 state a claim under 28 U.S.C. §1915(e)(2)(B).
14 2. Plaintiff’s *in forma pauperis* status is **REVOKED**.

15 The District Court Executive is directed to enter this Order, enter judgment
16 of dismissal without prejudice, forward a copy to Plaintiff, and **CLOSE** the file.

17 **DATED** October 22, 2013.




THOMAS O. RICE
United States District Judge